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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,816

11/19/2003

John T. Apostolos

D-4568D

7197

7590

06/28/2006

Robert K. Tandler, Esq.
65 Atlantic Avenue
Boston, MA 02110

EXAMINER

ALSOMIRI, ISAM A

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,816	Applicant(s) APOSTOLOS, JOHN T.	
	Examiner Isam Alsomiri	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
2. (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1-2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Heed et al US006091327A in view of Lobert et al US005271036A.**
4. Referring to claim 1, a system that does not rely on illuminating a target, a surveillance method for passively detecting from its spectral signature the identity of a received signal from an unilluminated source that is transmitting the signal (see Abstract, col. 2 lines 32-35), comprising the steps of: deploying a battery-powered unit (see col. 5 lines 39-44) having a spectrum analyzer that outputs a series of spectral lines (the spectrum analyzer is inherent by identifying the signals see col. 2 lines 59-63), the position and amplitude of which characterize the identity of a received signal from-a an unilluminated signal source, the battery-powered unit having a signal source recognition unit coupled to the spectrum analyzer for analyzing the spectral content of the received signal to ascertain the identity of the signal source (see col.4 lines 28-35), and a transmitter for transmitting the results of the signal source recognition unit to a remote location, and receiving the transmittal signal at the remote location and providing

an indication of the presence and identity of-a the unilluminated signal source (see col. 5 lines 7-13, col. 8 lines 52-60).

5. Although the spectrum analyzer is believed to be inherent in Heed's system, Heed does not explicitly show a spectrum analyzer. Therefore, even if Heed's system does not teach the spectrum analyzer, including one would be a very obvious modification. Lobert teaches a passive detector which includes a spectrum analyzer to identify the signal by analyzing the spectral content (lines, etc.) of the received signal (see Abstract and figure 1). It would have been obvious to modify Heed's system to include the spectrum analyzer to enable precise recognition of the received signals and minimize false alarms.
6. Referring to claim 2, Heed teaches including in the deployed unit a direction finding system for ascertaining the direction of an incoming signal from the signal source and for transmitting the direction of the incoming signal to the remote location (see col. 8 lines 56-60).
7. **Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heed et al US006091327A in view of Lobert et al US005271036A as applied to claim 1 above, and further in view of Gelvin et al US006859831B1.**
8. Referring to claim 3, Heed teach the deployed units have known location, with measurements from multiple cells the remote location can determine the geographical location of the signal source (see col. 9 lines 56-65). However, does not teach a geophysical location detection system for determining the location of the deployed unit

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and for transmitting the determined location to the remote location. Gelvin teaches a similar system wherein each unit (node) includes a GPS receiver for determining the location. It would have been obvious to modify Heed's system to include a GPS receiver for determining the location of each cell and for the freedom of placing and/or moving the cells around anywhere. Further, since Heed's system already receives time information from GPS receiver (see col. 8 lines 66-67), it would be very easy to include the positioning measurement without requiring extra components.

9. Referring to claim 4, Heed teaches including in the deployed unit a direction finding system for ascertaining the direction of an incoming signal from the signal source and for transmitting the direction of the incoming signal to the remote location (see col. 8 lines 56-60). Heed teaches the deployed units have known location, with measurements from multiple cells the remote location can determine the geographical location of the signal source (see col. 9 lines 56-65). However, Heed does not teach a geophysical location detection system for determining the location of the deployed unit and for transmitting the determined location to the remote location. Gelvin teaches a similar system wherein each unit (node) includes a GPS receiver for determining the location. It would have been obvious to modify Heed's system to include a GPS receiver for determining the location of each cell and for the freedom of placing and/or moving the cells around anywhere. Further, since Heed's system already receives time information from GPS receiver (see col. 8 lines 66-67), it would be very easy to include the positioning measurement without requiring extra components.

10. Further, Heed uses multiple measurements to determine the location as mentioned above; however, does not use triangulation technique. Gelvin teaches a similar system wherein triangulation is used to determine the location (see col. 19 line 63 to col. 20 line 4). It would have been obvious to modify Heed's system to use triangulation to determine the location of the signal source with better accuracy, or as alternative method for determining the location.

Allowable Subject Matter

11. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

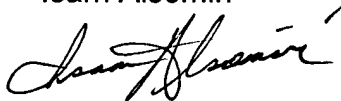
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

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14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isam Alsomiri



June 20, 2006